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EXAMINER

ROYAL, PAUL

ART UNIT PAPER NUMBER

3611

DATE MAILED: 12/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/864,027

Applicant(s)

MCCOY ET AL.

Examiner

Paul Royal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Response to Amendment***

1. The amendment filed on 15 October 2002 has been entered.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Steiler (US 6,080,014).

Steiler teaches a trailer hitch receiver assembly for towing a trailer behind a towing vehicle, comprising:

a frame member (3) including a hitch receiver box (4);  
at least one mounting bracket (2) carried on the frame member for securing the frame member to the vehicle;  
utility power outlets (16, 16A, 16B, 16C) carried on the first and second sides of frame member (3); and  
hinged covers (HCOVER, see Examiner annotated Figure 9).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Belinky et al. (US 5,904,261) in view of Hughes (US 5,766,020).

Belinky et al. teaches a trailer hitch receiver assembly for towing a trailer behing a towing vehicle, comprising:

a frame member (20) including a hitch receiver box;

at least one mounting bracket (MB1, see Examiner's annotated Figure 1) carried on the frame member for securing the frame member to the vehicle; and

a utility power outlet (40) carried on the frame member (20).

Belinky et al. does not teach a trailer hitch receiver assembly including a trailer light plug.

Hughes teaches a trailer light plug (10) mateable with a plurality of trailer wiring harness connector receptacles and providing visual diagnostic indication observance by the user.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the trailer hitch receiver assembly of Belinky et al., to include a

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trailer light plug, as taught by Hughes, providing visual diagnostic indication observance by the user.

Note, where Belinky et al. teaches a power outlet which is an electrical connector, it is understood to be a design choice to supply AC power or DC power through the power outlet.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Belinky et al. and Hughes, as applied to claim 2, in further view of Witkowski et al. (US 6,171,118).

Belinky et al. and Hughes, as applied to claim 2, includes all the limitations of claim 3 except wherein the power outlet includes a hinged cover.

Witkowski et al. teaches a power outlet (12) for mounting to an automobile body having a hinged cover (35) to protect the outlet from the environment.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the trailer hitch receiver assembly of Belinky et al. and Hughes, as applied to claim 2, to include the power outlet having a hinged cover, as taught by Witkowski et al., to protect the outlet from the environment.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Belinky et al. and Hughes, as applied to claim 2, in view of Witkowski et al. (US 6,171,118).

Belinky et al. and Hughes, as applied to claim 2, includes all the limitations of claim 6 except wherein the power outlet includes a hinged cover.

Witkowski et al. teaches a power outlet (12) for mounting to an automobile body having a hinged cover (35) to protect the outlet from the environment.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the trailer hitch receiver assembly of Belinky et al. and Hughes, as applied to claim 2, to include the power outlet having a hinged cover, as taught by Witkowski et al., to protect the outlet from the environment.

6. Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belinky et al. in view of Hughes (US 5,766,020).

Belinky et al. teaches a method of powering an electrical device from a trailer hitch receiver assembly, comprising:

providing a trailer hitch receiver assembly (22) with a utility power outlet (40), and powering the utility power outlet from the towing vehicle to which the trailer hitch assembly is connected.

Belinky et al. does not teach providing a trailer hitch receiver assembly including a trailer light plug.

Hughes teaches a trailer light plug (10) mateable with a plurality of trailer wiring harness connector receptacles and providing visual diagnostic indication observance by the user and powering the utility outlet (24) with 110 volts AC power from a power inverter on the towing vehicle, see column 4, lines 42-47, to supply an appliance with AC voltage.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of powering an electrical device from a trailer hitch receiver assembly of Belinky et al., to include a trailer light plug, as taught by Hughes, providing visual diagnostic indication observance by the user and to include powering the utility outlet with 110 volts AC power from a power inverter on the towing vehicle, as taught by Hughes, to supply an appliance with AC voltage.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Belinky et al., and Hughes, as applied to claim 11, in view of Anderson, Jr. (US 4,936,796).

Belinky et al., and Hughes, as applied to claim 11, teach all the limitations of claim 12 except powering the utility outlet with 12 volts DC power from a battery on the towing vehicle.

Anderson, Jr. teaches powering the utility outlet (12) with 12 volts DC power from a battery (B) on the towing vehicle to provide a DC power source.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the trailer hitch receiver assembly of Belinky et al., and Hughes, as applied to claim 11, to include powering the utility outlet with 12 volts DC power from a battery on the towing vehicle, as taught by Anderson, Jr., to provide a DC power source.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steiler, as applied to claim 7, in view of Hughes (US 5,766,020).

Steiler, as applied to claim 7 teaches all the limitations.

Steiler does not teach a trailer hitch receiver assembly including a trailer light plug.

Hughes teaches a trailer light plug (10) mateable with a plurality of trailer wiring harness connector receptacles and providing visual diagnostic indication observance by the user.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the trailer hitch receiver assembly of Steiler, to include a trailer light plug, as taught by Hughes, providing visual diagnostic indication observance by the user.

Note, where Steiler teaches a power outlet which is an electrical connector, it is understood to be a design choice to supply AC power or DC power through the power outlet because it is inherent that the electricity will be AC or DC.

It would have been obvious to one of ordinary skill in the art at the time of the invention to select either AC power or DC power for the electricity applied to the plugs.

### ***Response to Arguments***

9. Applicant's arguments filed 15 October 2002 have been fully considered but they are not persuasive.

Applicant's argument that Belinky et al. is inapplicable prior art because the instant invention is intended to power electrical equipment other than the trailer is not persuasive because the claimed elements can be readily used in both trailer and non-trailer applications. Applicant has merely identified a different intended use.



With regards to applicant's argument that the prior art Steiler (US 6,080,014) cited by the Examiner does not teach or suggest a trailer hitch receiver assembly equipped with both a DC outlet and an AC utility power outlet as claimed is not persuasive because, as understood by the Examiner, Steiler is disclosed as being drawn to a trailer connector mount where the connector completes an electrical path. Where electricity is either AC or DC and the connector mount of is capable of passing both types of electricity, it is the Examiners position that the connectors of Steiler could reasonably be understood to be selected to individually pass both AC or DC as a matter of design choice. Applicant has not presented any indication the connectors of Steiler could not reasonably be understood pass either AC or DC. Further, where Steiler teaches multiple connectors can be combined, see Figure 13 and 15, applicant's arguments against using Steiler to show both a DC utility outlet and an AC utility outlet is not persuasive.

With regards to applicant's arguments the prior art Anderson does not teach the instant invention because Anderson is not taught as being mountable on a trailer hitch receiver, applicant is unpersuasive because Anderson is merely being cited to show it is well know to power the utility outlet with 12 volts DC power from a battery on the towing vehicle.

### **Conclusion**

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 703-308-8570. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
P. Royal  
December 23, 2002

Paul Royal  
Examiner  
Art Unit 3611

  
Lesley D. Morris  
~~Primary Examiner~~  
SPE AC 3611